



U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 2

June 14, 2019

BY ELECTRONIC MAIL

Robert Law, Ph.D.
de maximis, inc.
186 Center Street, Suite 290
Clinton, New Jersey 08809

Re: Re: Lower Passaic River Study Area Draft Remedial Investigation Report –
Administrative Settlement Agreement and Order on Consent for Remedial
Investigation/Feasibility Study (Agreement) CERCLA Docket No. 02-2007-2009

Dear Dr. Law:

The U.S. Environmental Protection Agency (EPA) has reviewed the *revised Section 9* of the *Remedial Investigation (RI) Report*, prepared by Anchor QEA on behalf of the Cooperating Parties Group (CPG) for the Lower Passaic River Study Area (LPRSA). The pre-final Section 9 files (text, tables, and figures) were received from the CPG on May 28, 2019. Comments from partner agency New Jersey Department of Environmental Protection (NJDEP) were incorporated.

In accordance with Section X, Paragraph 44(d) of the Agreement, EPA has enclosed an evaluation of CPG's revised RI Report with this letter. Please incorporate the revisions into the final RI Report within 30 calendar days consistent with the enclosed comment evaluations. If there are any questions or clarifications needed on EPA's enclosed comment evaluations, please contact me to discuss.

Sincerely,

A handwritten signature in black ink, appearing to read "Diane Salkie".

Diane Salkie, Remedial Project Manager
Lower Passaic River Study Area RI/FS

Enclosure

Cc: Zizila, F. (EPA)
Sivak, M. (EPA)
Hyatt, B. (CPG)
Potter, W. (CPG)

EPA COMMENTS

LPRSA RI/FS, Remedial Investigation Report, Section 9, dated May 2019

No.	Section	General or Specific	Page No.*	Comment
1	Section 9, second paragraph	Specific	1	<p>Include the following disclaimer in the introduction to Section 9, as an additional footnote in the eighth sentence of the second paragraph that begins “All COPECs with an HQ...”:</p> <p>The NJDEP acknowledges that the BERA for the LPRSA identifies unacceptable risk. However, the NJDEP’s Ecological Evaluation Technical Guidance, August 2018, does not advocate the use of more than one set of TRVs for individual contaminant-receptor pairs. It is the NJDEP’s position that a single TRV set (NOAEL and LOAEL) that evaluates the more sensitive species and endpoints to characterize risk to invertebrates, fish, birds, and wildlife should be selected in a BERA, not two sets of TRVs as presented in this document. It is the NJDEP’s position that, for the LPRSA, use of one conservative TRV set derived for sensitive receptors and sensitive endpoints most clearly demonstrates the degree of risk for individual contaminant-receptor pairs and ensures protection of threatened, endangered, and species of special concern.</p>
2	Section 9.3.2, first paragraph	Specific	8	<p>In this paragraph, the bulleted list of references to documents where EPA-recommended TRVs were described includes the draft MPI FFS and the draft Louis Berger et al. FFS. The Louis Berger et al. FFS has since been finalized. Reference this document as “USEPA’s LPR restoration project FFS (Louis Berger et al. 2014)”, and note that this should also be corrected in Section 12.</p>
3	Section 9.3.2, final paragraph	Specific	7-8	<p>Add the disclaimer provided above in comment #1 as a part of the text in the final paragraph in Section 9.3.2.</p>
4	Section 9.3.3	Specific	8	<p>The third sentence in Section 9.3.3 states “COPECs with HQs ≥ 1.0 (based on a range of LOAEL TRVs) in at least one LOE were identified as preliminary COCs.” The BERA includes discussion of NOAEL TRVs and related results, in addition to LOAEL TRVs and related results. The purpose of using NOAEL and LOAEL TRVs is to bound the risk, and only reporting the upper bound results in a biased conclusion. Revise this section to include discussion of the NOAEL TRVs.</p>
5	Section 9.4.1, fourth paragraph	Specific	9	<p>The second sentence in this paragraph reads “The WOE analysis of the SQT data indicated that LPRSA benthic infaunal invertebrate communities were impacted, relative to the selected reference areas, at 18 of the 97 individual locations in the LPRSA”. This is not consistent with BERA section 6.1.2.1, which describes high impacts at 18 of 97 locations, medium impacts at 51 of 97 locations, and low impacts at 28 of 97 locations. Change the referenced sentence to reflect that the 18 locations were highly impacted.</p>

EPA COMMENTS

LPRSA RI/FS, Remedial Investigation Report, Section 9, dated May 2019

No.	Section	General or Specific	Page No.*	Comment
6	Section 9.7, second paragraph	Specific	13	The first sentence in this paragraph indicates that sixteen COPECs were evaluated for aquatic mammals. However, Section ES6.3.4 in the BERA states that fifteen COPECs were evaluated for aquatic mammals. Ensure accuracy and consistency between Section 9 and the BERA.
7	Section 9.11, sixth paragraph	Specific	16	The cadmium bullet in this paragraph indicates that HQs for mummichog, common carp, white perch, white sucker, and American eel-small ranged from 1.1 to 1.3. However, Section 13.2 of the BERA states that HQs for mummichog, common carp, white perch, white sucker, and American eel ranged from 0.70 to 1.3. Ensure accuracy and consistency between Section 9 and the BERA.
8	Section 9.11	General	14-20	The summary of conclusions does not include, or even mention, the NOAEL-based results. The BERA includes discussion of NOAEL TRVs and related results. Revise this section to include a discussion of the NOAEL-based results.
9	Table 9-3	Specific	N/A	Add the disclaimer provided above in comment #1 as an additional footnote to Table 9-3 (to the column "Preliminary COCs Using a Range of TRVs").
10	Table 9-4	Specific	N/A	Add the disclaimer provided above in comment #1 as an additional note to Table 9-4 (in the "Notes" beneath the table).
11	Table 9-4	Specific	N/A	Mussels are listed in Table ES-2 of the BERA when summarizing risk findings for benthic invertebrates but are not listed in Table 9-4. Ensure accuracy and consistency between Section 9 and the BERA.
12	Table 9-4	Specific	N/A	Table 9-4 only lists LOAEL-based results. Table 9-4 appears to be the same as BERA Table ES-2; however, the BERA includes discussion of NOAEL-based results and, while it also should, Section 9 does not (see comments #4 and #8 above). Revise Table 9-4 to include the NOAEL-based results as well.
13	Table 9-5	Specific	N/A	Add the disclaimer provided above in comment #1 as an additional note to Table 9-5 (in the "Notes" beneath the table).
14	Table 9-5	Specific	N/A	Table 9-5 only lists LOAEL-based results. Table 9-5 appears to be the same as BERA Table ES-4; however, the BERA includes discussion of NOAEL-based results and, while it also should, Section 9 does not (see comments #4 and #8 above). Revise Table 9-5 to include the NOAEL-based results as well.
15	Table 9-5	Specific	N/A	Per comment #2 above, reference the Louis Berger et al. FFS as "USEPA's LPR restoration project FFS (Louis Berger et al. 2014)" in the notes to Table 9-5, rather than as the draft version (Note #3 in the "Notes" beneath the table).